REMARKS

I.   Status of the claims

· By this Amendment, Applicants amend claim 23 to cure a minor informality. Claims 1-25 remain pending in this application.

In the Office Action of October 21, 2004, ("OA")[1] claim 23 was objected to for informalities; claims 1-4, 9-19 and 21-25 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,570,591 to *Crovetto et al.* (*"Crovetto"*); and claims 5-8 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over *Crovetto* in view of U.S. Patent No. 6,493,661 to *White, III et al.* (*"White"*). The objection and rejections are addressed below.

II.   Objection to claim 23

The Examiner noted that, in claim 23, the recitation "at least on element" should read --at least one element--. Applicants have amended claim 23 to address this informality and deem the objection overcome. Applicants therefore request withdrawal of the objection to claim 23.

III.   Rejection of claims 1-4, 9-19 and 21-25 under 35 U.S.C. § 102(e)

Applicants traverse the rejection of claims 1-4, 9-19 and 21-25 under 35 U.S.C. § 102(e) for the following reasons.

In rejecting independent claim 1, the Examiner alleges (OA at 6) that *Crovetto* discloses:

> using a resource string to retrieve data . . . the data containing a
> parameter associated with an element of the user interface . . .
> [and] the parameter being integrated into a syntactical structure
> associated with the data.

Applicants disagree with the Examiner's interpretation of *Crovetto*. *Crovetto* describes a visual

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

syntax builder for "graphically assisting a user in entering directives and commands in a space vehicle control system" (col. 4, lines 9-12). The Examiner notes *Crovetto*'s disclosure of retrieving a "directive or command template containing the operational parameters corresponding to the selected directive" (OA at 2; col. 5, lines 62-64). The Examiner also notes *Crovetto*'s disclosure of "formatting . . . the specified directive or command and corresponding operational parameters into a command string" (OA at 2-3; col. 4, lines 65-67).

Neither the relied-upon disclosures, nor any other disclosures, in *Crovetto* teach using a resource string to retrieve data, the data containing a parameter that is associated with an element of the user interface and that is integrated into a syntactical structure associated with the data. It appears that the Examiner is equating *Crovetto*'s directive and commands to a resource string. The Examiner, however, provides no evidence supporting that notion.

Further, even if a directive or command were consistent with a resource string (to which Applicants do not acquiesce), retrieving a directive or command template in response to a selection of the directive or command is not the same as using a resource string to retrieve data containing a parameter that is associated with an element of the user interface and that is integrated into a syntactical structure associated with the data. According to *Crovetto*, the directive or command template includes "a list of corresponding operational parameters, an indication of valid values . . . and the data type of each operational parameter" (col. 6, lines 2-5). The operational parameters further define the command and can include "a value indicating the number of times to perform an operation" (col. 4, lines 52-55). *Crovetto* does not disclose that the template includes a parameter that is associated with an element of the user interface and that is integrated into a syntactical structure associated with the template. Although *Crovetto* mentions that, for each parameter, user interface elements may be added to the parameter display

after the template is retrieved and the parameter is analyzed, *Crovetto* does not disclose that the template includes a parameter that is associated with an element of the user interface. That is, retrieving a template that lists parameters, analyzing those parameters, and then adding user interface elements for the analyzed parameters is not the same as retrieving data containing a parameter that is associated with an element of the user interface. *Crovetto* does not disclose that the operational parameters listed in the templates are associated with user interface elements. Instead, *Crovetto* discloses analyzing listed parameters, which merely further define commands, and then adding appropriate interface elements for displaying the parameters. Moreover, while mentioning that the syntax builder can format a directive and corresponding operational parameters into a command string, *Crovetto* does not teach using a resource string to retrieve data containing a parameter that is integrated into a syntactical structure associated with that retrieved data.

The Examiner also alleges that *Crovetto* discloses "replacing the resource string with the retrieved data." Applicants disagree. As the Examiner notes, *Crovetto* discloses presenting to a user a selection of directives or commands (OA at 3; col. 5, lines 35-65; Fig. 2). In addition, as noted by the Examiner, *Crovetto* mentions retrieving a template in response to a selected directive or command (OA at 3; col. 5, lines 55-65). Neither these disclosure, nor any other disclosure, in *Crovetto*, teaches replacing the resource string with the retrieved data, as alleged by the Examiner. That is, displaying directives and commands and then retrieving a template based on a selection of a command does not teach replacing a resource string with the retrieved data.

For at least the reasons advanced above, the rejection of independent claim 1 under 35 U.S.C. § 102(e) is not supported by the cited art and should therefore be withdrawn.

The Examiner rejected independent claim 9 for the same reasons set forth in the rejection of claim 1. Although claim 9 is of different scope than claim 1, the rejection of claim 9 is equally unsupported by *Crovetto*. For at least reasons similar to those presented above, *Crovetto* does not teach a data element containing at least one parameter associated with at least one component of a user interface program, as asserted by the Examiner. Further, as explained, *Crovetto* does not teach replacing the resource string with the data element, as asserted. For at least these reasons, the § 102(e) rejection of independent claim 9 should be withdrawn.

The Examiner rejected independent claim 18 for the same reasons set forth in the rejection of claim 1. Although claim 18 is of different scope than claim 1, the rejection of claim 18 is equally unsupported by *Crovetto*. For at least reasons similar to those presented above, *Crovetto* does not teach retrieving data containing at least one parameter associated with at least one component of a user interface with at least one resource string, as asserted by the Examiner. Also, as explained, *Crovetto* does not teach replacing the at least one resource string with the retrieved data. For at least these reasons, the § 102(e) rejection of independent claim 18 should be withdrawn.

The Examiner rejected independent claim 22 for the same reasons set forth in the rejection of claim 1. Although claim 22 is of different scope than claim 1, the rejection of claim 22 is equally unsupported. For at least reasons similar to those presented above, *Crovetto* does not teach retrieving at least one message containing at least one parameter, wherein said parameter represents at least one element of the user interface and is integrated into a syntactical structure associated with the message, as asserted by the Examiner. Although *Crovetto* mentions adding user interface elements to a display for parameters, the reference does not teach a

parameter that represents at least one element of the user interface and that is integrated into a syntactical structure associated with the message.

For at least the foregoing reasons, the rejection of independent claims 1, 9, 18 and 22 under 35 U.S.C. § 102(e) should be withdrawn. The rejection of claims 2-4, 10-17, 19, 21, 23-25 should be withdrawn as well, at least because these claims depend from base claim 1, 9, 18 and 22. Applicants thus request withdrawal of the § 102(e) rejection of claims 1-4, 9-19 and 21-25 and the timely allowance of those pending claims.

IV. Rejection of claims 5-8 and 20 under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 5-8 and 20 under 35 U.S.C. § 103(a) because a case for *prima facie* obviousness has not been established. To establish *prima facie* obviousness under 35 U.S.C. § 103(a), three requirements must be met. First, the applied references, taken alone or in combination, must teach or suggest each and every element recited in the claims. *See* M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the reference(s) or in the knowledge generally available to one of ordinary skill in the art, to combine or modify the reference(s) in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." M.P.E.P. § 2143 (8th ed. 2001).

In rejecting independent claim 5, the Examiner alleges (OA at 6) that *Crovetto* discloses:

> data containing a parameter associated with a component of the user interface, the parameter being integrated into a syntactical structure associated with the data . . . [and]
>
> replacing the resource string with the data.

In an attempt to establish a *prima facie* case of obviousness, the Examiner alleges that *White* discloses identifying a locale associated with the user or the computer system and using the

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resource string to retrieve data associated with the user's locale, which are not disclosed by *Crovetto*. Applicants disagree.

Contrary to the Examiner's position, *Crovetto* does not teach or suggest "data containing a parameter associated with a component of the user interface, the parameter being integrated into a syntactical structure associated with the data" and "replacing the resource string with the data." *Crovetto* does not teach or suggest these features for at least reasons similar to those presented above in connection with claim 1.

Further, *White* does not cure *Crovetto*'s deficiencies. *White* is directed to a "multi-language software system" (Abstract). Like *Crovetto*, *White* does not teach or suggest "data containing a parameter associated with a component of the user interface, the parameter being integrated into a syntactical structure associated with the data" and "replacing the resource string with the data," as asserted by the Examiner. For at least these reasons, the rejection of claim 5 is not supported by the cited references and should be withdrawn.

Further, even if combining *Crovetto* and *White* would yield all of the elements alleged by the Examiner, *prima facie* obviousness has not been established with respect to claim 5 at least because the requisite motivation to combine these references is lacking. Determinations of obviousness must be supported by evidence on the record. *See In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001) (finding that the factual determinations central to the issue of patentability, including conclusions of obviousness by the Board, must be supported by "substantial evidence"). Further, the desire to combine references must be proved with "substantial evidence" that is a result of a "thorough and searching" factual inquiry. *In re Lee*, 277 F.3d 1338, 1343-1344 (Fed. Cir. 2002) (quoting *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52).

In this case, the Office Action does not show, by substantial evidence, that a skilled

artisan considering *Crovetto* and *White*, and not having the benefit of Applicants' disclosure,

would have been motivated to combine the references in the manner alleged. According to the

Examiner (OA at 4), a skilled artisan would have combined the references "because a user-

friendly interface would have been obtained." This allegation in the Office Action is not

properly supported and does not show that a skilled artisan would have combined the references

as alleged. That the alleged combination might produce a "user-friendly interface" does not

evidence that a skilled artisan would have combined the references.

Applicants call attention to M.P.E.P. § 2143.01, which makes clear that: "[t]he mere fact

that references can be combined or modified does not render the resultant combination obvious

unless the prior art also suggests the desirability of the combination" (citations omitted). The

Office Action does not show that the cited art "suggests the desirability" of the alleged

combination. Moreover, the Office Action does not provide a proper motivation from the

knowledge generally available to one skilled in the art. Applicants submit that the conclusions in

the Office Action pertaining to obviousness were not reached based on facts gleaned from the

cited references and that, instead, teachings of the present application were improperly used in

hindsight to reconstruct the prior art. For at least these additional reasons, *prima facie*

obviousness has not been established with respect to claim 5 and the rejection of that claim under

35 U.S.C. § 103(a) should be withdrawn.

Claims 6-8 depend from claim 5. For at least the reasons presented above in connection

with claim 5, the rejection of claims 6-8 is not supported by *Crovetto* and *White*, either alone or

in combination.[2] Accordingly, the rejection of claims 6-8 is not supported by the cited art and should therefore be withdrawn.

Claim 20 depends upon claim 18. For at least the reasons presented above in connection with claim 18, the rejection of claim 20 is not supported by *Crovetto*. Further, *White* does not provide support for the rejection. Like *Crovetto*, *White* does not teach or suggest at least retrieving data containing at least one parameter associated with at least one component of a user interface with at least one resource string or replacing the at least one resource string with the retrieved data, as asserted by the Examiner. For at least these reasons, *prima facie* obviousness has not been established with respect to claim 20 and the § 103(a) rejection should be withdrawn. In addition, *prima facie* obviousness has not been established with respect to claim 20 at least because the requisite motivation to combine the references is lacking, as discussed above in connection with claims 5-8. For this additional reason, the § 103(a) rejection of claim 20 should be withdrawn.

For the foregoing reasons, Applicants request withdrawal of the rejection of claims 5-8 and 20 under 35 U.S.C. §103(a) and the timely allowance of those pending claims.

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[2] The Examiner's additional allegations regarding motivation set forth in the rejection of claim 8 are not properly supported and do not show that a skilled artisan would have combined/modified the references as alleged.

V.   Conclusion

Applicants request reconsideration of this application in view of the foregoing and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 21, 2005   By: _____

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